

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ROCKSTAR CONSORTIUM US LP, ET
AL.

v.

GOOGLE, INC.

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Case No. 2:13-cv-893-JRG-RSP

AGREED ORDER FOCUSING PATENT CLAIMS AND PRIOR ART

Pursuant to the parties' agreement, by November 6, 2014, Plaintiff Rockstar shall serve a Preliminary Election of Asserted Claims, which shall assert no more than a total of 50 claims. Not later than November 20, 2014, Defendant Google shall serve a Preliminary Election of Asserted Prior Art, which shall assert not more than a total of 60 references.¹ For purposes of this Preliminary Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference.

No later than December 22, 2014, Plaintiff Rockstar shall serve a Final Election of Asserted Claims, which shall identify no more than a total of 24 claims. By January 19, 2015, Defendant Google shall serve a Final Election of Asserted Prior Art, which shall identify no more than a total of 30 references. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference.

Subject to Court approval, the parties may modify this Order by agreement, but should endeavor to limit the asserted claims and prior art references to the greatest extent possible. Absent agreement, post-entry motions to modify this Order's numerical limits on asserted claims

¹ For purposes of this Order, a prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist.

and prior art references must demonstrate good cause warranting the modification. Motions to modify other portions of this Order are committed to the sound discretion of the Court.²

SIGNED this 15th day of October, 2014.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

² This Order contemplates that the parties and the Court may further narrow the issues during pretrial proceedings in order to present a manageable case at trial.